

stipulated facts

Page 1 of 4

Tienson, Thane

From: Luke Cole [luke@igc.org]
Sent: Tuesday, January 22, 2008 4:24 PM
To: Tienson, Thane
Subject: RE: stipulated facts

I don't see its relevance to the issues at play here, which are Teck Cominco's liability for Clean Water Act violations. I'm not saying I'll object if Martha wants to say it from the witness stand, that is her/your prerogative.

Luke

LUKE W. COLE

EXECUTIVE DIRECTOR
 CENTER ON RACE, POVERTY & THE ENVIRONMENT
 47 KEARNY STREET, SUITE 804
 SAN FRANCISCO, CA 94108
 415-346-4179 x2 + 415-346-8723 FAX
 LUKE@IGC.ORG + WWW.CRPE-EJ.ORG

PROVIDING LEGAL AND TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE

From: Tienson, Thane [mailto:TTienson@landye-bennett.com]
Sent: Tuesday, January 22, 2008 4:13 PM
To: Luke Cole
Subject: RE: stipulated facts

Luke , what is your concern with the rest of the statement I have proposed ? It is clearly accurate factually and relevant to the Borough's interest in the remedial phase of the litigation . What am I missing ? As you know , the mayor has really tried to cultivate a positive relationship with Kivalina and we want the Borough's relevant legally mandated interests identified

From: Luke Cole [mailto:luke@igc.org]
Sent: Tuesday, January 22, 2008 3:12 PM
To: 'Sean Halloran'; 'Jim Torgerson'; Tienson, Thane; 'David Case'
Subject: RE: stipulated facts

We are good with those additional facts Thanks, Sean.

LUKE W. COLE

EXECUTIVE DIRECTOR
 CENTER ON RACE, POVERTY & THE ENVIRONMENT
 47 KEARNY STREET, SUITE 804
 SAN FRANCISCO, CA 94108
 415-346-4179 x2 + 415-346-8723 FAX
 LUKE@IGC.ORG + WWW.CRPE-EJ.ORG

PROVIDING LEGAL AND TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE

2/1/2008

Exhibit E
Page 1 of 2

Thane Tienson wants following added - NW Arctic Borough

Page 1 of 2

Tienson, Thane

From: Luke Cole [luke@igc.org]
Sent: Tuesday, January 22, 2008 5:14 PM
To: 'David Case'; Zwick, Jeri; sean.halloran@hartig.com; jim.torgerson@hellerehrman.com
Cc: Tienson, Thane
Subject: RE: Thane Tienson wants following added - NW Arctic Borough

You all can have one of your witnesses say that, I have no problem with that. I think it is irrelevant to liability or penalties in a Clean Water Act suit, so doesn't belong in the joint facts

Luke

LUKE W. COLE

EXECUTIVE DIRECTOR
 CENTER ON RACE, POVERTY & THE ENVIRONMENT
 47 KEARNY STREET, SUITE 804
 SAN FRANCISCO, CA 94108
 415-346-4179 x2 + 415-346-8723 FAX
 LUKE@IGC.ORG + WWW.CRPE-EJ.ORG

PROVIDING LEGAL AND TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE

From: David Case [mailto:dcase@lbblawyers.com]
Sent: Tuesday, January 22, 2008 4:47 PM
To: Luke Cole; Zwick, Jeri; sean.halloran@hartig.com; jim.torgerson@hellerehrman.com
Cc: Tienson, Thane
Subject: RE: Thane Tienson wants following added - NW Arctic Borough

Luke--

How about this instead of the second sentence:

"The borough provides for mandatory planning, platting and land use regulation as required under Alaska Statutes 29.35.180(b)."

That statute states: "Sec. 29.35.180(b) A home rule borough shall provide for planning, platting and land use regulation."

Thanks,
 Dave Case

From: Luke Cole [mailto:luke@igc.org]
Sent: Tuesday, January 22, 2008 2:15 PM
To: 'Zwick, Jeri'; sean.halloran@hartig.com; jim.torgerson@hellerehrman.com
Cc: David Case; 'Tienson, Thane'
Subject: RE: Thane Tienson wants following added - NW Arctic Borough

I am comfortable with the first sentence only.

2/1/2008

Exhibit E
Page 2 of 2